

REMARKS

Applicants have amended independent claims 1 and 3-5 so as to clarify Applicants patentable subject matter. No new matter has been added. Applicants believe that the 5 amended claims 1 and 3-5 and the comments that follow will convince the Examiner that the rejections set forth in the March 05, 2008 Office Action have been overcome and should be withdrawn. As such, claims 1 and 3-5 remain for consideration.

10

I. THE EXAMINER'S REJECTIONS**35 U.S.C. § 112**

The Examiner rejected claims 3 and 5 under 35 U.S.C. § 112 as being unpatentable for failing to particularly point 15 out and distinctly claim the subject matter which applicant regards as the invention. Particularly, the Examiner stated:

"Regarding claims 3 and 5, in the third and fourth steps, 'said plurality of packets' lack sufficient 20 antecedent basis."

35 U.S.C. § 103

The Examiner rejected claims 1, 3-5 under 35 U.S.C. §103(a), as being unpatentable over Baxley et al, U.S. Pat. Pub. No. 2004/0085913 (hereinafter "Baxley") in view of Kung et al, U.S. Patent No. 6,671,262 (hereinafter "Kung"), 5 and further in view of Polcyn, U.S. Pat. No. 6,594,269 (hereinafter "Polcyn").

Referring to claim 1, the Examiner stated that Baxley teaches substantial features of the claimed invention, including "a single server comprising both a packet-switch 10 conferencing server and a circuit-switched conferencing server." (Office Action dated March 5, 2008, p. 7)

Additionally, the Examiner admitted that Baxley does not teach of

15 "establishing by a packet-switched conferencing server, a connection to a circuit-switched conferencing server; designating said connection as an active speaker on said packet-switched 20 conferencing server, whereby said packet-switched conferencing server is independent from said circuit-switched conferencing server. Baxley also does not specifically teach of the packet-switched 25 conferencing server receiving audio packets using an asynchronous transmission method."

(Office Action dated March 05, 2008, p. 7)

To attempt to cure this defect, the Examiner stated 30 "Kung teaches a system for conferencing comprising a plurality of conferencing servers, wherein a conferencing

server establishes a connection with another conferencing server and uses the connection for forwarding audio packets received from a plurality of clients (col. 31, lines 29-50)." (Office Action dated March 05, 2008, p. 7) However, 5 the Examiner stated that Baxley and Kung still do not teach "the packet-switched conferencing server receiving audio packets using an asynchronous transmission method." (Office Action dated March 05, 2008, p. 7)

To still cure the deficiencies in Baxley and Kung, the 10 Examiner cited Polcyn as teaching "a system for voice conferencing between different networks, wherein a conferencing server receives communications using an asynchronous transmission method (col. 2, lines 32-35; col. 4, lines 21-24, 33-36)." (Office Action dated March 05, 15 2008, p. 7)

Finally, The Examiner stated that it would have been obvious for one of ordinary skill in the art to combine Baxley and Kung and argued:

20 "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the packet-switched server and the circuit-switched server comprised in a server as taught by Baxley to be implemented as independent servers and for an independent server to establish a connection with another independent server for, forwarding of audio packets received from a plurality of clients as taught by 25

Kung. Kung's teachings would provide distribution of load of a server and offload processing power of a server (col. 31, lines 36-39)."

5 (Office Action dated March 05, 2008, p. 4)

Additionally, the Examiner stated that it would have been obvious to combine Baxley and Polcyn, and argued:

10 "It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the audio packets received by the packet-switched conferencing as taught by Baxley to receive audio packets using an asynchronous transmission method as taught by Polcyn. The motivation for the suggested combination is that Polcyn's teachings of asynchronous transmission would improve the suggested system by allowing communication without synchronization of an external clock, which would allow a simpler setup of communication between devices."

15
20
25 (Office Action dated March 05, 2008, p. 8)

Furthermore, the Examiner rejected independent claims 3-5 and cited the same references Baxley, Kung and Polcyn in making a similar rejection as was made in claim 1.

II. THE EXAMINER'S REJECTIONS SHOULD BE WITHDRAWN

35 U.S.C. § 112

35 The Examiner rejected claims 3 and 5 under 35 U.S.C. § 112 as being unpatentable for failing to particularly point

out and distinctly claim the subject matter which applicant regards as the invention.

In response, Applicants have amended the third and fourth steps in claims 3 and 5 to require a "mixture of 5 packets" , in addition to requiring "a plurality of audio packets" thus providing the antecedent basis for subsequent uses of the term "said plurality of audio packets".

Therefore, the Examiner's 35 U.S.C. § 112 rejection of claims 3 and 5 has been overcome and should be withdrawn.

10 Accordingly, the Examiner is respectfully requested to withdraw the 35 U.S.C. § 112 rejection of amended independent claims 3 and 5.

35 U.S.C. § 103

15 The Examiner rejected claims 1 and 3-5 under 35 U.S.C. §103(a), as being unpatentable over Baxley in view of Kung and further in view of Polcyn. Applicants respectfully disagree and submit that Baxley, Kung and Polcyn, alone or in combination, fail to teach all of the claim elements of 20 the present invention.

It should be appreciated by one of ordinary skill in the art that Applicants invention, as described in amended claim 1, requires "linking a first plurality of clients connected to a packet-switched conferencing server to a

second plurality of clients connected to a circuit-switched conferencing server . . ." where the step including "establishing, by the packet-switched conferencing server, a connection to the circuit-switched conferencing server" 5 and "receiving, over the connection, a first audio packet . . . wherein the first audio packet is a mixture of packets received from each of the second plurality of clients who have been designated as an active speaker . . .", where "the packet-switched conferencing server keeps a list of 10 the plurality of clients who have been designated as an active speaker." Also, Claims 3-5 require similar limitations as claim 1.

As stated in the specification of the patent application, "a plurality of first clients connect to a 15 plurality of second clients" (Specification, pg. 7, ln. 11-14), where the service provider can send and receive audio packets from first and second clients" (Specification, pg. 7, ln. 16-24), and a connection is established between the packet-switched conferencing server and the circuit- 20 switched conferencing server." (Specification, pg. 8, ln. 10-18) The specification also discloses that the packet-switched conferencing server keeps a list of plurality of clients who have been designated as an active speaker. (Specification, pg. 8, ln. 18-20 & pg. 10, ln. 1-2)

Applicants believe that the Baxley, in view of Kung, further in view of Polcyn, either alone or in combination, do not disclose Applicants amended claims 1 and 3-5.

- Baxley in view of Kung merely discloses an audio conference method in a hybrid network where input from packet-switched clients and circuits-switched clients connected to an audio conference is received by a single server acting as both, a packet-switched conferencing server and a circuit-switch conferencing server.
- Furthermore, Baxley in view of Kung merely teaches a conferencing system wherein multiple servers are used for conferencing. Thus, the conferencing is conducted by transmission of audio packets. Furthermore, the combination teaches the connection as being between like servers, and not between packet-switched and circuit switched servers as required by amended independent claims 1 and 3-5 of the present invention. (Baxley, para. [0050]; Kung, col. 31, ln. 36-39). However, Applicants believe that the combination fails to teach or fairly suggest a packet-switched server keeping a list of clients who have been designated as an active speaker as required by amended independent claims 1 and 3-5 of the present invention.

Also, Applicants believe that Baxley, in view of Kung and further in view of Polcyn do not teach or fairly

suggest Applicants claims 1 and 3-5 which require a packet-switched server keeping a list of clients who have been designated as an active speaker.

Thus, Applicants believe that Baxley, Kung and Polcyn,
5 alone or in combination, do not teach each and every element of independent claims 1 and 3-5 of the present invention. Consequently, claims 1 and 3-5 are in condition for allowance and Applicants respectfully request that the 35 U.S.C. § 103(a) rejection be withdrawn.

10

III. CONCLUSION

Applicants submit that the specification, drawings, and all pending claims represent a patentable contribution to the art and are in condition for allowance. No new
15 matter has been added. The claims have been amended merely to clarify the novel features of the current invention and are in no way related to patentability. Early and favorable action is accordingly solicited.

Should any changes to the claims and/or specification
20 be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same. This Amendment is being timely filed. In the event that any additional fee is required for the entry of this amendment

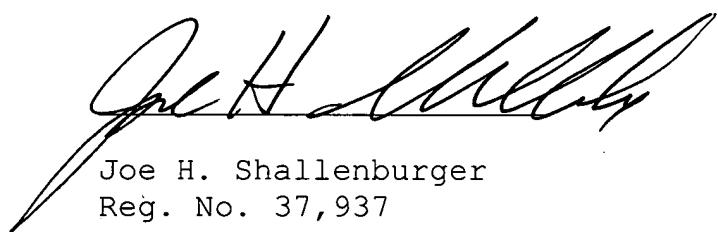
the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-0420 in the name of Ward & Olivo.

For the reasons discussed above, all pending claims
5 are allowable over the cited art. Reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

Date

6/4/08



Joe H. Shallenburger
Reg. No. 37,937
WARD & OLIVO
382 Springfield Avenue
Summit, New Jersey 07901
(908) 277-3333